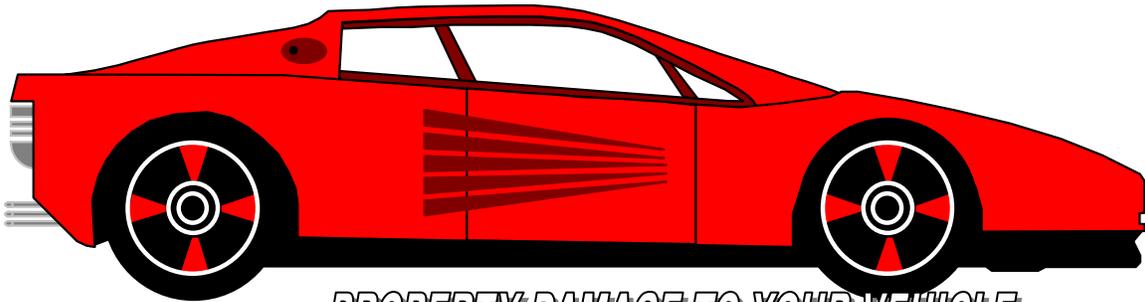


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PROPERTY DAMAGE TO YOUR VEHICLE

If you have been in an automobile accident that is not your fault and your vehicle is damaged, you do have certain rights. If total property damage from the wreck to all damages appears to be over \$1,000.00, you are required to contact law enforcement. When in doubt, contact law enforcement.

Get the name of the other person's insurance company and the policy number. The other person's insurance adjuster should call you within 2-3 days after the wreck to discuss the damage to your vehicle. If you have not heard from someone by then, you should call the insurance adjuster yourself. The adjuster, however, will need to speak to the other driver and get his/her statement as to what happened in the wreck. This will affect whether or not the insurance company agrees to pay to fix the damage to your vehicle.

If the insurance company denies your claim, you should consult an attorney. If the insurance company accepts your claim, you will likely be able to handle it. How your claim is settled depends on the damage to your vehicle. Despite a common myth, there is no legal requirement that you obtain 2 or 3 estimates of the damage to your vehicle.

If the amount of the damage is over 75% of the vehicle's fair market value, the insurance company will be required to pay you the fair market value (also known as "Blue Book value") of your vehicle. This is what people call "totaling" a vehicle. The insurance company will pay you for the vehicle and you will sign the vehicle's title over to the insurance company thereby giving them ownership of the vehicle. If you are still making payments on

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the vehicle, the insurance company may pay some or all of the money to the company or individual to whom you are making payments. If you have made all payments on the vehicle and possess the title, however, you will receive the entire amount of the check for the vehicle's value.

If you want the fair market value of the vehicle but, for some reason, still want to keep the heavily damaged vehicle, you can do so but the insurance company will be allowed to deduct what is called salvage value. See an attorney for more details on this option.

If the vehicle damage is repairable and the amount of the damage is less than 75% of the vehicle's fair market value, the insurance company will pay to fix your vehicle. You can choose the shop that fixes your vehicle and you have a reasonable time after repairs are completed to iron out any remaining problems with the vehicle's operation or appearance.

The insurance company is also responsible for reasonable towing or storage charges on your vehicle until you receive written notice otherwise.

Regardless of whether your vehicle is totaled or is fixed, you are entitled to a rental vehicle for a reasonable length of time. The insurance company will pay for a vehicle of comparable size to the one damaged in the wreck. You will be responsible, however, for any additional fees such as insurance, gas, etc.

If you and an insurance adjuster disagree on any aspect of your property damage claim, consult an attorney.

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GENERAL RULES FOR PERSONAL INJURY INCIDENTS



Do:

1. Contact the police or local law enforcement, as appropriate;
2. Get the license plate numbers of all other vehicles involved in the wreck as well as the name, address, phone number, insurance company name and policy number of each driver involved in the wreck;
3. Take photographs of your injuries and any damage to your vehicle or other property;
4. Get names, addresses, and phone numbers of any and all potential witnesses to the incident;
5. Make your own written notes as to the facts of the incident;
6. Seek medical attention as soon as possible;
7. Save any and all medical bills, prescription receipts, work notes, or other items which document your expenses and losses due to your injuries from the incident;
8. Get a copy of any written reports of the incident.

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DO NOT:

1. Move your vehicle after a wreck unless necessary for safety, required by law or told to do so by a law enforcement officer
2. Leave scene of the incident until told to do so by a law enforcement officer;
3. Apologize or discuss who was at fault in the accident other than to find out what other persons or witnesses may have seen;
4. Sign any document or piece of paper that you do not understand;
5. Give a recorded statement to an insurance company unless you know what you are doing and know how your statements may affect your claim;
6. Hire or pay a “notario” to represent you in your personal injury claim--a “notario” is NOT an attorney;
7. Settle your case until you have finished all injury-related medical treatment **BUT...** personal injury claims have time limitations and failure to file your claim within the proper time limitation will mean it is forever barred. Check with an attorney to determine which time limitations apply to your case.

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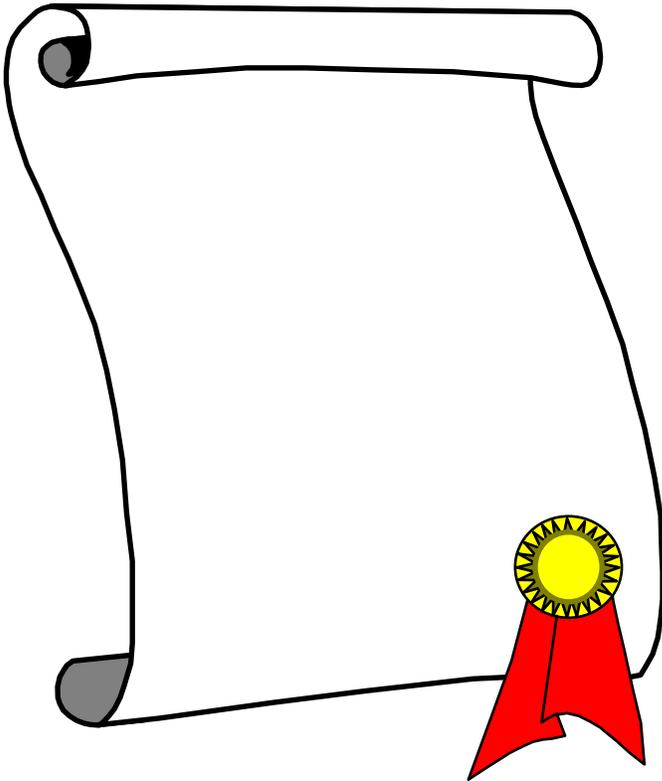


Demand your rights! You may be entitled to payment for any or all of the following:

Damage to personal property
Medical expenses
Prescription expenses
Lost wages or lost earnings
Permanent physical, mental, emotional injury
Scarring or disfigurement
Pain and suffering
Punitive damages

Placing a monetary value on a claim is a difficult task that requires a complete review of the incident and any injuries or damages. An experienced attorney can help you determine the value of your claim and protect your rights. Don't settle for less! The insurance company has trained professionals who are paid to limit (if not eliminate) the amount of money they pay out on claims. Why not have an experienced legal professional on your side?

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INSURANCE

Many people have different types of insurance that may help them when they are injured due to someone else's negligence.

Your **automobile insurance** may pay a portion of your medical bills as well as damages in the case of a negligent driver who has too little insurance or no insurance at all. Your automobile insurance may even pay for the damage to your car if you cannot reach an agreement with the other party's insurance company. This insurance may also defend you if someone sues you claiming that you injured him or her in an automobile accident.

Your **health insurance** may pay for your incident-related medical bills without you having to reimburse them when you settle or resolve your case. The issue of reimbursement or subrogation should be reviewed carefully by a qualified attorney.

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Your **homeowner's or renter's insurance** may provide coverage for some medical expenses incurred in certain types of incidents. It will also provide coverage for you in case someone sues you with a personal injury claim.

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Other types of personal injury claims:

Slip & fall and Trip & fall incidents: These types of cases are very difficult as the law in North Carolina is stacked somewhat against the injured person. Merely falling or injuring yourself on someone else's property is not enough to hold them legally liable for your injuries and damages. You must prove that (1) the property owner or storeowner either took some action or failed to take some action and (2) this act or failure equates to negligence under the law. You must also prove that you were using the required amount of care and attention to your surroundings at the time of the incident. There are also other important factors that must be examined. Under North Carolina law, if you in any way contributed to your injury you could be barred from any recovery.

Dog bites and other injuries caused by animals: This can be a very confusing and fact-sensitive area of the law. It is best to seek the advice of an attorney to begin an investigation of the relevant facts and factors in your case.

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Defective products and drugs: There are thousands of consumer products and medications on the store shelves. Sometimes these products are defective and/or cause injury to persons who buy them. If you are seriously injured by a consumer product and seek to hold the manufacturer, seller, or other party responsible, you will need to prove several things and an experienced attorney will be invaluable asset.

Nursing home negligence: If you feel that your loved one or family member is not receiving adequate care, you should contact an attorney who is familiar with the rules and standards relating to nursing homes.

Medical malpractice: Doctors and other healthcare professionals sometimes make mistakes and if you are injured as a result of a mistake, you should consult with an attorney immediately. North Carolina law requires that an expert review your case and certify negligence has occurred before you can proceed with a civil lawsuit. As medical malpractice cases are some of the most complicated, expensive, and vigorously contested personal injury cases, you really need an experienced professional to help protect your rights.

Intentional injury: This relates to injuries caused by a shooting, assault, or other purposeful act committed by another person. Insurance coverage is one of the key issues in these cases and you need an experienced professional to sort through the facts to find insurance coverage or some means to recover your damages.

Workers' Compensation: Injuries or incidents that occur at work are covered under North Carolina law that is somewhat different than the laws regarding personal injury. There are some occasions, however, in which an incident that occurs at work can also be a personal injury matter. It is best to consult with an attorney to determine which classification your case falls under.

If you have any further questions or wish to discuss your legal matter, please contact Attorney John O'Neal of the O'Neal Law Office—home of personal attention and professional results.